

## Investigative and Enforcement Services

# Settlement Agreement

USDA, APHIS, IES  
4700 River Road, Unit 85  
Riverdale, MD 20737  
Phone: (301) 734-8684  
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**RESPONDENT:**

**Mount San Antonio College**  
**1100 North Grand Avenue**  
**Walnut, CA 91789**

**CASE NUMBER** | **CA00152-AC**  
**CA09760-AC**

**DUE ON OR BEFORE** | May 31, 2010  
**CONTACT** | Ms. Roxanne Folk  
**PHONE** | (301) 734-5578

DATE	CITATION	DESCRIPTION
		(SEE ATTACHED PAGES) Page 1 of 4

**PENALTY** \$ 20,844.

**TERMS**

Titles 7, 15, 19, and 21 of the United States Code authorize the Secretary of Agriculture, after providing notice and opportunity for a hearing, to impose civil penalties and other sanctions to resolve violations.

Prior to the issuance of a formal complaint seeking sanctions under the Act, The Department may enter into a stipulation to resolve the above-described violations. Your payment constitutes a waiver of your right to a hearing, a finding that the violations of law have occurred, and settlement of such violations.

If you do not pay the specified penalty within the designated time or wish to exercise your right to a hearing, this matter will be forwarded to the Office of the General Counsel for litigation. The penalty offered in this stipulation is not relevant to the sanctions the Department may seek, or that will be assessed, upon issuance of a formal complaint.

**Signature of Respondent:**

**Date:**

### PAYMENT RECORD - FOR IES USE ONLY

Payment Type	Date	Amount	Signature of IES Representative

<u>DATE</u>	<u>CITATION</u> 9 CFR	<u>DESCRIPTION</u>
11-JAN-2006	3.8	<b>Exercise for dogs.</b> Failed to develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. At the time of inspection, this document was not available for inspection and review. Without it, it cannot be determined if an approved program is being followed.
29-MAR-2006	2.31(c)	<b>Institutional Animal Care and Use Committee (IACUC).</b> Failed to conduct a semi-annual inspection and program review. Program review and facility inspection were not completed as required in April 2005. The facility must complete a program review and inspect the facility every six months to maintain an adequate evaluation of the program. The October 2005 program review inspection report did not contain a reasonable and specific plan and schedule with dates for correcting each deficiency noted.
11-DEC-2008	2.31(d)(viii)	<b>Institutional Animal Care and Use Committee (IACUC).</b> Failed to ensure that personnel conducting procedures on the species being maintained or studied will be appropriately qualified and trained in those procedures. The animal care personnel (the herd-person and sheep unit manager) that conducted treatments and euthanasia on ewe #47 on November 29, 2008, did not follow written and approved protocols.
	2.32(a)	<b>Personnel qualifications.</b> Failed to ensure that all scientists, research technicians, animal technicians, and other personnel involved in animal care, treatment, and use are qualified to perform their duties. When ewe #47 was found with a prolapsed uterus, the attending veterinarian was not available, and facility personnel made independent medical decisions involving analgesia, sedation, treatment, and euthanasia of ewe # 47 that they were not qualified to make.
	2.33(b)(1)	<b>Attending veterinarian and adequate veterinary care.</b> Failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, personnel, equipment, and services in accordance with the regulations. The attending veterinarian was not available and the facility did not have an adequate veterinary back-up plan in place, so a qualified veterinarian was not involved in the treatment and euthanasia of ewe #47.

<u>DATE</u>	<u>CITATION</u> 9 CFR	<u>DESCRIPTION</u>
11-DEC-2008	2.33(b)(2)	<p><b>Attending veterinarian and adequate veterinary care.</b>  Failed to establish and maintain programs of adequate veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care as required. Adequate veterinary care was not available for ewe #47 on November 29, 2008, which was over the Thanksgiving Day holiday weekend. Appropriate facilities, personnel, equipment and services were not available to assist the animal who suffered complications lambing.</p>
	2.33(b)(3)	<p><b>Attending veterinarian and adequate veterinary care.</b>  Failed to establish and maintain programs of adequate veterinary care that include the use of appropriate methods for daily observations of all animals to assess their health and well-being; or a mechanism of direct and frequent communication of timely accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian. Animal care personnel and the sheep unit manager were unable to reach any veterinarian that had experience working with sheep to assist with the lambing incident.</p>
	2.33(b)(5)	<p><b>Attending veterinarian and adequate veterinary care.</b>  Failed to establish and maintain programs of adequate veterinary care that include adequate pre-procedural and post-procedural care in accordance with current established veterinary medical and nursing procedures. At the time of the lambing incident, the attending veterinarian was unavailable. As a result, the animal care personnel made inappropriate medical decisions regarding the care of the animal, including pain management and ultimately to euthanize ewe#47.</p>

<u>DATE</u>	<u>CITATION</u> 9 CFR	<u>DESCRIPTION</u>
01-OCT-2008 through 03-OCT-2008	2.33(b)(1) 2.33(b)(3)	<p><b>Attending veterinarian and adequate veterinary care.</b> Failed to establish and maintain programs of adequate veterinary care that include the following: availability of appropriate facilities, personnel, equipment, and services; the use of appropriate methods for daily observations of all animals to assess their health and well-being; or a mechanism of direct and frequent communication of timely accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian. A llama (Freddie) suffered complications while under anesthesia, the attending veterinarian was not available and the facility did not have an adequate veterinary back-up plan in place, so a qualified veterinarian was not involved in the treatment and care that this animal received. In addition, there are no written records or daily observation logs for care and treatment provided to the llama. Without proper documentation, there is no way to certify that the animal was examined by a qualified veterinarian and was in stable health prior to being anesthetized.</p>
01-OCT-2008	2.33(b)(5)	<p><b>Attending veterinarian and adequate veterinary care.</b> Failed to establish and maintain programs of adequate veterinary care that include adequate pre-procedural and post-procedural care in accordance with current established veterinary medical and nursing procedures. The llama suffered complications while under anesthesia, the attending veterinarian was unavailable, and not involved. There was no pre-sedation evaluation of the animal or conditions present for the sedation completed by an appropriately qualified and trained veterinarian. As a result, the animal care personnel made inappropriate medical decisions regarding the care of the animal.</p>
	2.38(f)	<p><b>Handling.</b> Failed to handle a llama (Freddie) as carefully as possible, or in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort. The animal had been exposed to high temperatures for the entire day prior to being sedated.</p>